EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1261-PST-E **TCEQ ID:** RN102455748 **CASE NO.:** 34400

RESPONDENT NAME: A R H Enterprises, Inc. dba R H Food Mart

| ORDER TYPE: | - | |
|---|---|---|
| X 1660 AGREED ORDER | FINDINGS AGREED ORDER | FINDINGS ORDER FOLLOWING SOAH HEARING |
| FINDINGS DEFAULT ORDER | SHUTDOWN ORDER | IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| AMENDED ORDER | EMERGENCY ORDER | |
| CASE TYPE: | | |
| AIR | MULTI-MEDIA (check all that apply) | INDUSTRIAL AND HAZARDOUS WASTE |
| PUBLIC WATER SUPPLY | $\underline{\mathbf{x}}$ PETROLEUM STORAGE TANKS | OCCUPATIONAL CERTIFICATION |
| WATER QUALITY | SEWAGE SLUDGE | UNDERGROUND INJECTION CONTROL |
| MUNICIPAL SOLID WASTE | RADIOACTIVE WASTE | DRY CLEANER REGISTRATION |
| TYPE OF OPERATION: Convenience sto SMALL BUSINESS: X Yes | No re are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on January 22, 2007. Or: None :: Ms. Judy Kluge, Enforcement Division, Enforcem | al pending enforcement actions regarding this rest in this matter. No comments were received. ment Team 6, MC R-04, (817) 588-5825; Mr. |
| | | |

DOCKET NO.: 2007-1261-PST-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS 13 (13) VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED A CONTRACT OF STREET, Type of Investigation: Total Assessed: \$8,300 **Corrective Actions Taken:** Complaint X Routine The Executive Director recognizes that the Total Deferred: \$1,660 Enforcement Follow-up Respondent has implemented the following X Expedited Settlement Records Review corrective measures at the Station: Financial Inability to Pay Date(s) of Complaints Relating to this a) The TCEQ DFW Regional Office received documentation verifying that as of Case: None SEP Conditional Offset: \$0 July 11, 2007, the Station successfully Date of Investigation Relating to this conducted the required piping tightness and Total Paid to General Revenue: \$200 Case: July 6, 2007 (remaining \$6,440 due in 35 monthly line leak detector tests; payments of \$184 each) b) The TCEO DFW Regional Office Date of NOV/NOE Relating to this Case: received documentation verifying that August 3, 2007 (NOE) **Site Compliance History Classification** X_High __Average __Poor Station representative training has been Background Facts: This was a routine completed and all current employees have investigation. Eight violations were Person Compliance History Classification received in-house Stage II vapor recovery training as of July 18, 2007; documented. X_High __Average __Poor c) As of November 20, 2007, the TCEQ WASTE Major Source: ___ Yes _X_ No DFW Regional Office received verification 1) Failure to provide a method of release that the Respondent installed an approved Applicable Penalty Policy: September 2002 ORVR compatible Stage II vapor recovery detection capable of detecting a release system, replaced the defective nozzles, and from any portion of the underground posted the Stage II operating instructions on storage tank ("UST") system which the dispensers; and contained regulated substances. Specifically, monthly inventory control d) As of November 20, 2007, the TCEQ was not being conducted and the automatic DFW Regional Office received verification tank gauge did not have probes installed [30 Tex. Admin. Code § 334.50(a)(1)(A) that the Respondent successfully conducted

detection for the product piping associated with the UST system. Specifically, the annual piping tightness tests had not been

and Tex. WATER CODE § 26.3475(c)(1)].

2) Failure to conduct proper release

conducted [30 Tex. ADMIN. CODE § 334.50(b)(2) and Tex. WATER CODE § 26.3475(a)].

3) Failure to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors had not been performance tested annually [30 Tex. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)].

4) Failure to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee receives in-house Stage II vapor recovery training regarding the purpose

Ordering Provisions:

equipment.

It is further ordered that the Respondent shall undertake the following technical requirements:

the required annual testing of the Stage II

- a) Within 30 days after the effective date of this Agreed Order, install and implement a release detection method for the UST system, in accordance with 30 Tex. ADMIN. CODE § 334.50; and
- b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

RESPONDENT NAME: A R H Enterprises, Inc. dba R H Food Mart **DOCKET NO.:** 2007-1261-PST-E

and operation of the vapor recovery system. Specifically, Stage II training for the Station representative and the employees had not been completed [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 5) Failure to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems [30 TEX. ADMIN. CODE § 115.242(1)(C) and Tex. Health & Safety Code § 382.085(b)]. 6) Failure to maintain the Stage II Vapor Recovery System in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resource Board Executive Order(s), and free of defects that would impair the effectiveness of the system including, but not limited to absence or disconnection of any component that is a part of the approved system. Specifically, the Stage II air to liquid test indicated that the nozzles were defective and not functioning properly [30 Tex. ADMIN. CODE § 115.242(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 7) Failure to post operating instructions conspicuously on the front of each gasoline dispensing pump [30 Tex. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 8) Failure to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual system compliance testing had not been

Additional ID No(s).: PST 66942

conducted [30 Tex. Admin. Code § 115.245(2) and Tex. Health & Safety

CODE § 382.085(b)].

(4) A second of the control of th

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| Pelity Povision 2 (Con | Penalty Calculation | n Worksheet (P | • | June 26, 2007 |
|---------------------------------------|--|--|--------------------------|--|
| Policy Revision 2 (Sept | tember 2002) | , , , , , , , , , , , , , , , , , , , | F GW REVISION | 1 Julie 20, 2007 |
| DATES Assigned | 6-Aug-2007 | | | |
| PCW | 9-Aug-2007 Screening 6-Aug-2007 | EPA Due | | |
| | | | 4.77 | |
| RESPONDENT/FACILITY | | | | 4 |
| | A R H Enterprises, Inc. dba R H Food Mart | ,, | | - |
| Reg. Ent. Ref. No. | 4 - Dallas/Fort Worth | Major/Minor Source | Minor | - q |
| Facility/Site Region | 4 - Dallas/Fort Worth | wajor/wirror Source | IVIIIOI | _ |
| CASE INFORMATION | and the second s | what a country of the second | | |
| Enf./Case ID No. | 34400 | No. of Violations | 4 | |
| | 2007-1261-PST-E | Order Type | 1660 | |
| | Petroleum Storage Tank | Enf. Coordinator | Judy Kluge | |
| Multi-Media | The state of the s | EC's Team | EnforcementTeam 6 | - Annual Control |
| Admin. Penalty \$ I | Limit Minimum \$0 Maximum | \$10,000 | | |
| | | | | |
| | Penalty Calcula | ation Section | | 4 |
| TOTAL DACE DENAL | | | Cubtotald | \$7,000 |
| TOTAL BASE PENAL | _TY (Sum of violation base penaltie | (S) in the transfer of the second second second | Subtotal 1 | \$7,000 |
| ADJUSTMENTS (+/-) | TO SUBTOTAL 1 | | | |
| | ned by multiplying the Total Base Penalty (Subtotal 1) by | the indicated percentage. | | |
| Compliance Hist | | | otals 2, 3, & 7 | -\$700 |
| • | | | | o (remark day |
| Notes | Adjustment due to High Perform | ner classification. | | . 1 |
| | | |] | |
| Culpability | No 0% | Enhancement | Subtotal 4 | \$0 |
| Culpability | 110 076 | Emancement |] | T-1 |
| Notes | The Respondent does not meet the | e culpability criteria. | | Opposite Control of Co |
| | | | | |
| Good Faith Effor | t to Comply 0% | Reduction | Subtotal 5 | \$0 |
| Good Faith Ellor | Before NOV NOV to EDPRP/Settlement Offer | Neddollon | Capital o | T- |
| Extraordinary | | | | 9900 |
| Ordinary | | | | - |
| N/A | | | | Мания |
| 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | | and the substance of th | 1 | |
| Notes | The Respondent does not meet th | e good faith criteria. | | Approx Approx |
| | | i i i i i i i i i i i i i i i i i i i | <u> </u> | |
| | | Enhancement* | Subtotal 6 | \$0 |
| Annrov | | d at the Total EB \$ Amount | | |
| Approx. | Cost of Compliance \$6,500 | | | 1 |
| SUM OF SUBTOTAL | 9 1.7 (1) (4) (1) (1) (1) (1) (1) (1) | | Final Subtotal | \$6,300 |
| JOIN OF GODIOTAL | · · · · · · · · · · · · · · · · · · · | (1995年) - 「1997年 - 1997年 - 19 | | - |
| OTHER EVELODS V | S JUSTICE MAY REQUIRE | 32% | Adjustment | \$2,000 |
| | Subtotal by the indicated percentage. (Enter number only | | /10/00 mo// | , , |
| Troughou of Officeriose the Fillian | Recommended enhancement to capture to | he avoided cost associated | | |
| Notes | with the violation | | | |
| | | | | |
| | | Final Pe | nalty Amount | \$8,300 |
| | | | | |
| STATUTORY LIMIT | ADJUSTMENT | Final Ass | essed Penalty | \$8,300 |
| | | | | |
| DEFERRAL | | 20% Reduction | Adjustment | -\$1,660 |
| Reduces the Final Assessed Pe | nalty by the indicted percentage. (Enter number only; e. | g. 20 for 20% reduction.) | | |
| | | | | |
| Notes | Deferral offered for expedite | ed settlement. | | i |
| | | | | |
| | | | change on the sale makes | |
| PAYABLE PENALTY | | | | \$6,640 |

Screening Date 6-Aug-2007

Docket No. 2007-1261-PST-E

Respondent ARH Enterprises, Inc. dbaRH Food Mart

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

Case ID No. 34400

Reg. Ent. Reference No. RN102455748

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

| | - | A STATE OF THE STA | | |
|-------------|---------------------------------------|--|-----------------------|------------|
| | ompliance History Notes | Adjustment due to High Performer classification. | | |
| L mplian | High Perf | ormer Adjustment P Summary | | |
| Pilaii | · · · · · · · · · · · · · · · · · · · | and the second s | ovoontors /0- | btotal 7) |
| mplian | ce History | Person Classification (Subtotal 7) | | |
| | No | Adjustment P | ercentage (Su | btotal 3) |
| oeat Vi | iolator (Sul | btotal 3) | på järja tt ik | 199410 |
| | | Adjustment P | ercentage (Su | ıbtotal 2) |
| | | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |
| | | Participation in a voluntary pollution reduction program | No | 0% |
| | Other | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No No | 0% |
| | | Environmental management systems in place for one year or more | No | 0% |
| L | | Plea | se Enter Yes or No | |
| | | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 0 (*) | 0% |
| | Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 0 | 0% |
| | | Chronic excessive emissions events (number of events) | 0 | 0% |
| | Decrees | judgments or consent decrees without a denial of liability, of this state or the federal government Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| an | udgments d Consent | of this state or the federal government (number of judgements or consent decrees meeting criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court | 0 | 0% |
| | | of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability | 0 | 0% |
| | | meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders without a denial | , | U 70 |
| | | Any agreed final enforcement orders containing a denial of liability (number of orders | 0 | 0% |
| | NOVs | (number of NOVs meeting criteria) Other written NOVs | 0 | 0% |
| - | | Written NOVs with same or similar violations as those in the current enforcement action | | 20/ |

| ision 2 (September 2002) | | | | | | | | | |
|--------------------------|--|---|--|--|--|--|--|--|--|
| cion z (copromisor zocz) | Policy Re | /lart | oa R H F | rises, Inc. | ARH Enterp | Respondent | - 1 | | |
| V Revision June 26, 2007 | PC | | | | 34400 | Case ID No. | | | |
| : | | | | 3 | RN10245574 | ference No. | Ent. Re | Reg | |
| | | | | orage Tan | Petroleum Ste | dia [Statute] | Med | | |
| | | | | ı | | Coordinator | | | |
| | | | | | 1] | lation Number | Vio | | |
| |)(A)(i)(III) and Tex. Water Code §) | x), (b)(2), (b)(2 75(a) and (c)(1 | | iin. Code | 30 Tex. Adm | Rule Cite(s) | | | |
| | ole of detecting a release from any ated substances. Specifically, and the automatic tank gauge did release detection for the product, the annual piping tightness tests detectors at least once per year ly, the line leak detectors had not nnually. | ontained regulating conducted a conduct proper n. Specifically st the line leak | stem whol was not allowed to the desired to the des | the UST entory con obes insta lated with n conduct | portion of monthly inve not have pro piping assoce had not bee | Violation Description | | | |
| \$10,000 | Base Penalty | | | | | • | | | |
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| | | | atrix | | nd Human | al, Property a | onmenta | >> Envir | |
| | | | M | Harm Modera | Major | Release | | | |
| | | | | Modere | | Actual | | OR | |
| | Percent 25% | | | | х | Potential | | | |
| | *. | | | | was was Wells | | | | |
| | 사 영화 유민 | | Marketti Sife il | | | | ammatic | >>Progr | |
| | 5 | 1 | . N | Modera | Major | Falsification | | | |
| | Percent 0% | | | <u> </u> | l . | | | | |
| | utants which would exceed levels rs as a result of the violation. | xposed to poll nental recepto | or could th or en | ronment v human he | Ith or the envi | Human hea that are | Matrix Notes | | |
| | | | | | | <u> </u> | | | |
| | Adjustment \$7,500 | continuo et el la continuo e | | Situation in Ligarity | | onitoriore (CAPS) | A STATE OF THE STA | as a servicina de la composición de la | |
| \$2.500 | Adjustment \$7,500 | continuebile traits | | Katisan pada | State (1988) | | and a strong | ir va er er en | |
| \$2,500 | Adjustment \$7,500 | | | SKANG ANGA | Single (Side Roll) | | | arangan ngangan ng Pagasan | |
| \$2,500 | Adjustment \$7,500 | | | | Shari ku Para | | ı Events | Violatio | |
| \$2,500 | | | | | | kirake stane eta usekaisis lahis onahadia Avad | ı Events | Violatio | |
| \$2,500 | Adjustment \$7,500 | 31 | | 1 | plation Events | Number of Vic | Events | Violatio | |
| \$2,500 | | | | 1 | Marrow, Paris Control Approprie | kirake stane eta usekaisis lahis onahadia Avad | ı Events | Violatio | |
| \$2,500 | | | | | daily | kirake stane eta usekaisis lahis onahadia Avad | Events | Violatio | |
| \$2,500 \$2,500 | Number of violation days | | | | daily monthly | Number of Vid | Events | Violatio | |
| | | | | | daily | kirake stane eta usekaisis lahis onahadia Avad | ı Events | Violatio | |
| | Number of violation days | | | | daily monthly quarterly | Number of Vio | ı Events | Violatio | |
| | Number of violation days | | | X | daily monthly quarterly semiannual | Number of Vio | n Events | Violatio | |
| | Number of violation days | | | X | daily monthly quarterly semiannual annual | Number of Vio | ı Events | Violatio | |
| | Number of violation days Violation Base Penalty he violation during the July 6, 2007 | 31 | | x | daily monthly quarterly semiannual annual single event | Number of Vio | ı Events | Violatio | |
| | Number of violation days Violation Base Penalty he violation during the July 6, 2007 | 31 unentation of t | | x | daily monthly quarterly semiannual annual single event | Number of Vio | | Asserting Color Pile Assertion | |
| \$2,500 | Number of violation days Violation Base Penalty he violation during the July 6, 2007 ning date. Statutory Limit Test | mentation of t 6, 2007 scree | | x | daily monthly quarterly semiannual annual single event y event is reco | Number of Vio | | Asserting Color Pile Assertion | |
| | Number of violation days Violation Base Penalty he violation during the July 6, 2007 ning date. | 31 unentation of t | | x | daily monthly quarterly semiannual annual single event | Number of Vio | | Asserting Color Pile Medical | |

Economic Benefit Worksheet

Respondent ARH Enterprises, Inc. dbaRH Food Mart Case ID No. 34400

Approx. Cost of Compliance

| Case ID No. | 34400 | | | | | 25 to 2 | |
|-------------------------------|-------------------------|--|--|------------|-----------------------------|-----------------------|---|
| Reg. Ent. Reference No. | RN102455748 | | | | | | |
| Media | Petroleum Stora | age Tank | | | | Percent Interest | Years of |
| Violation No. | 1 | | | | | Leičeni miereži | Depreciation |
| | | | | | | 5.0 | 1 |
| | | | الأراب مناور بالنسو | | e gefreikongraf sold seit H | <u> </u> | •••••• |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
| Item Description | No commas or \$(| A)(\$4(0),(\$)(\$) | All knows as | | mentia kertegelel | (a)on-1 | |
| | | | | | | | |
| Delayed Costs | | villa in a salah 660 | dianis kultūras iršs | lebüllen r | galaugan in syard | | |
| Equipment | | e factor granter of the control of the | | 0.0 | \$0 | \$0 | \$0 |
| Bulldings | | | | 0,0 | \$0 | \$0 | \$0 |
| Other (as needed) | | 100 100 100 100 100 100 100 100 100 100 | 24 - 1 17 Cap | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | MOSTATIVE TO | roginal transfer No. | 0,0 | \$0 | \$0 | \$0 |
| Land | E | strokpi gladan | يحرون بالأشاديات | 0,0 | \$0 | n/a | \$0 |
| Record Keeping System | Cartain in the Prefails | Bayllis Massage | iou. Va iikul sa. | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | Bara in Arabays | b wasteniles that d | arni han Arab | 0.0 | mand (\$0 and | alaamin n/a | \$0 |
| Remediation/Disposal | فأعضر لسلاك المصطفية | تنفي الأبرو عاليد بالبد | ika itawa ita cariba sen | 0,0 | \$0 | n/a | \$0 |
| Permit Costs | 310000 | trin Rustmal promis | And Section Complete. | 0,0 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,500° | 6-Jul-2007 | 3-Apr-2008 | 0,7 | \$56 | n/a | \$56 |
| Notes for DELAYED costs | | and | d the final date is | the exped | cted date of compl | | |
| Avoided Costs | ANN | UALIZE [1] avoid | ed costs before | entering | item (except for | one-time avoided c | osts) |
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | 1 | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | The second secon | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | \$1,000 | 6-Jul-2006 | 11-Jul-2007 | 1,9 | \$97 | \$1,000 | \$1,097 |
| Other (as needed) | | | Charles and the control of the contr | 0.0 | \$0 | \$0 | \$0 |
| | | | Special a | | Figy 57 | 1.581.381 | , |
| | Avoided cost | for conducting plo | ing tightness and | line leak | detector tests. Th | e date required is or | e vear orlor to |
| Notes for AVOIDED costs | | | | | date is the compli | | |
| | and the same | 410 11140 | ouganon dato and | IIIIui | oompi | u.100 uu.01 | |

TOTAL[

\$1,152

\$2,500

| Scre | ening Date | 6-Aug-2007 | | Docke | et No. 2007-1261-PST-E | | PCW |
|--|------------------------------------|--|--|--|--|------------------------|--|
| R | espondent | ARH Enterpr | ises, Inc. dba F | R H Food Mart | | Policy Revision 2 | (September 2002) |
| C | ase ID No. | 34400 | | | | PCW Revis | ion June 26, 2007 |
| Reg. Ent. Ref | | | | | | | |
| | | Petroleum Sto | rage Tank | | | | |
| | oordinator | | | | | | |
| Viola | tion Number Rule Cite(s) | <u></u> | | | | 1 | |
| | Rule Cite(S) | 30 Tex. A | dmin, Code § 1 | 15.248(1) and Tex | . Health & Safety Code § 382. | 085(b) | ************************************** |
| Violation | n Description | operation a employee red | nd maintenance eives in-house f the vapor reco | e of the Stage II va Stage II vapor recovery system. Spec | epresentative received training por recovery system, and eact overy training regarding the pu cifically, Stage II training for the s had not been completed. | r current rpose and | |
| | | | | | Bas | se Penalty | \$10,000 |
| >> Environmental | , Property a | ınd Human | | X | odnicu pretodnosti. Rikaraka valentent ilianda kulturi | | THE PARTY OF THE P |
| | Release | Major | Harm Moderate | Minor | | | DE ALTER DE PROPERTIE LA COMPANIA DE |
| OR | Actual | | | | | | 2 |
| | Potential | | x | | Percent 10% | | 999 |
| erio. Notae esta esta esta esta esta esta esta e | o s - 3 40 - 7825000 | va servanska se s | | an da estiganti termitat | THE | | |
| >>Programmatic I | VIATRIX Falsification | Major | Moderate | Minor | ti i simalini i serie ne | | |
| | raisilication | IVIAJOI | Moderate | Willion | Percent 0% | | ronal Hall |
| | <u> </u> | <u> </u> | | | | | |
| | Human heal | Ith or the envir | onment will or c | ould be exposed to | significant amounts of polluta | ints which | *************************************** |
| Matrix Notes | would not ex | ceed levels th | at are protective | e of human health | or environmental receptors as | a result of | |
| 140.00 | | | | the violation. | | | |
| | Massacraw Lacabitasa | Sooka dhadaksadadku iliya : | Constantion Line Constant | | Adjustment | \$9,000 | |
| Talled the Control of | | SECTORAL SECTION AND ADDRESS OF THE SECTION ADDRESS OF THE SECTION ADDRESS OF THE SECTION ADDRESS OF THE SECTION AND ADDRESS OF THE SECTION ADDRESS | TOTAL CONTROL TO SERVICE | | Aujustment | ψ3,000 | |
| | | | | | | | \$1,000 |
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| Violation Events | Apparel Sala Table De | and care a manual dis | | Metricus. | TEST CONTRACTOR | (See Individual 19) | |
| | Number of Vi | olation Events | 1 | | 31 Number of violation da | avs | 0.0.1.1 # # # # # # # # # # # # # # # # # # |
| | Transor or tre | olation Evoluto | <u> </u> | <u> </u> | | - - | |
| | | daily | | | | | |
| | | monthly | | | | | |
| | mark only one | quarterly | X | | Violation Ba | se Penalty | \$1,000 |
| | with an x | semiannual | | | , | | AND ADDRESS OF THE PROPERTY OF |
| | | annual single event | | | | | A property of the control of the con |
| | | alligie event | L | | | | |
| | One quarter | | | ed on documentation he July 18, 2007 co | on of the violation during the Joompliance date. | uly 6, 2007 | |
| Economic Benefi | t (EB) for th | nis violation | | | Statutory Limit T | est | 1000 (1000) 1000 (1000) |
| | Fetimato | d EB Amount | | \$1 | Violation Final Pe | nalty Total | \$1,186 |
| | Latiniale | a FD WIIIOUIII | | | | - | |
| 14. 1974 (SECURE CENTER) (SEC. RESERVED CENTER) | | | Т | his violation Final | I Assessed Penalty (adjusted | l for limits) | \$1,186 |

| | E | conomic l | 3enefit W | orks | sheet | a etalli grjina a | ară. |
|---|--|--|--|-----------------|---------------------------------------|--------------------|-------------|
| Respondent | ARH Enteroris | ses, Inc. dba R H Fo | ood Mart | | | | |
| Case ID No. | | | | | | Section 1 | |
| Reg. Ent. Reference No. | | | | | | | |
| | Petroleum Stor | aga Tank | | | | r | Years of |
| Violation No. | | age rank | | | | Percent Interest | Depreciatio |
| violation no. | . 4 | | | | endinorada eta 1415 | 1 | |
| | | | | | prite Statement | 5.0 | |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | ÈB Amoun |
| Item Description | No commas or \$ | Camadeosista | AL ERRIN | Sales I | naribA . A Com | 14/4)A 1 - 14/5 | |
| | | | | | | | |
| Delayed Costs | | والمعالية والمنافقة والمراجعين | Periodo carros del como como | باست تكأنينون | · · · · · · · · · · · · · · · · · · · | | |
| Equipment | | To a significant | | 0,0 | \$0 | \$0 | \$0 |
| Buildings | dd - marriag and a second | | a Property of the second | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | The state of the s | | 新された (14 mill) | 0.0 | \$0 | 10000 | \$0 |
| Engineering/construction | A DE INSTITUTE DE LA CO | | The Dark + low to | 0.0 | \$0: | \$0 | \$0 |
| Land | Q0 | , or rest tells, etc., at | ك الماك ألامة المليط | 0.0 | \$0 | ll n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | dia nai | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | 44.4. | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | \$500 | 6-Jul-2007 | 18-Jul-2007 | 0.0 | \$1 | n/a | \$1 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2 | | date is the | e date of | compliance. | one-time avoided c | |
| Inspection/Reporting/Sampling Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | A STATE OF THE STA | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | Ann market me and the | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | - | | 0.0 | \$0 | \$0 | \$0 |
| omor (ao nooasa) | 73 KF 44 15 2 1 | The state of the state of the state of | | Special Control | राज्यस्थातः । । । | | |
| | la dajor ji Bars | | Mark to the control | 484 47 | | | |
| Notes for AVOIDED costs | | | 1 1 | | | | |
| | l . Her | r victoria | 4 - 1 | | | | |
| | | | | | | | |
| | | | | | | | |
| Approx. Cost of Compliance | | \$500 | | | TOTAL | | |

| Scre | ening Date | 6-Aug-2007 | | Do | ocket No. 2007-1261 | -PST-E | PGW |
|--|--|--|--|--|--|--|-----------------------------|
| R | espondent | ARH Enterp | rises, Inc. dba | R H Food Mart | | Policy F | Revision 2 (September 2002) |
| Ċ | Case ID No. | 34400 | | | | F | CW Revision June 26, 2007 |
| Reg. Ent. Ref | erence No. | RN10245574 | 8 | | | | |
| Med | ia [Statute] | Petroleum Sto | orage Tank | | | | |
| Enf. C | oordinator | Judy Kluge | _ | | | | |
| Viola | ation Number | 3 | | | | | |
| | Rule Cite(s) | 30 Tex. Ad | min. Code § 1 | |), and (9) and Tex. Hea 085(b) | alth & Safety Code § | |
| Violatio | n Description | compatible some compatible some control of the control of the company of the comp | systems. Faile condition, as sider(s), and freat it not limited to oved system. So were defectives | d to maintain the pecified by the less of defects that absence or discontinuity, the e and not function | manufacturer and/or and would impair the effection | very System in proper ny applicable CARB tiveness of the system ponent that is a part of st indicated that the to post operating | |
| | | | | | | Base Penalty | \$10,000 |
| >> Environmental | , Property a | nd Human | Health Mat | rix | School billion (1932) | | |
| | | | Harm | B.41 | | | |
| O.D. | Release | Major | Moderate | Minor | | | |
| OR | Actual Potential | | X | | Percent | 10% | CALLET C P C COMPANY |
| | | | | | · · | Annual Control of the | |
| >>Programmatic | the first transfer of transfer of the first transfer of tr | | | | i da salah da | | |
| | Falsification | Major | Moderate | Minor | | | - |
| | | | | | Percent | 0% | |
| | I | | 4 211 | | | eta of pollutopte which | 1 |
| Matrix Notes | Human heal would not ex | th or the envil | ronment will or nat are protecti | ve of human he the violation | alth or environmental r | nts of pollutants which eceptors as a result of | 7 |
| | 5,41 KOT 4778/1987 (8), 85, 85, 851 | es, i passagatyo Mari I | | Januara de de la composição de la compos | Adjustmen | t \$9,000 | |
| | | | | | Aujustmen | ψ 9,000 | |
| | | | | | | | \$1,000 |
| Violation Events | | | | | | | # ** ** |
| | Number of Vic | olation Events | 1 | ı F | 31 Number o | f violation days | |
| | | | L | . <u>L</u> | | • | |
| | | daily | | | | | |
| | | monthly | | | | | #4.000 |
| | mark only one | quarterly | X | | ' | /iolation Base Penalt | y \$1,000 |
| | with an x | semiannual | | | | | |
| | | annual single event | | | | | |
| | | Single eveni | i L |] | | | |
| | | | | | | | 1 |
| | One quarterl | | | | ntation of the violation 007 screening date. | during the July 6, 2007 | |
| , | | | nvesigation to | ule August 6, 2 | .oor screening date. | | |
| Economic Benefi | t (EB) for th | is violation | 1 | | Statuto | ry Limit Test | |
| | x | d EB Amoun | p | \$66 | Violat | ion Final Penalty Tota | \$1,186 |
| | | | | This west-the | Final Appacand Danas | ty (adjusted for limits | \$1,186 |
| BOOTE STATE OF THE | | | | inis violation l | rınai Assessed Penai | ty (adjusted for limits | γ 1,100 |

| | 그렇게 하는 사람 보이지 않는 | conomici | genetit w | orks | sneet | ie wijski gedrood | 108 |
|---|-------------------|------------------------------|--|--|--|--|---|
| Respondent Case ID No | ARH Enterpris | ses, Inc. dba R H F | | | ų | | |
| Reg. Ent. Reference No | . RN102455748 | | | | | | |
| | Petroleum Stor | age Tank | | | | l | Years of |
| Violation No | | -g- / | | ; | | Percent Interest | Depreciation |
| Violation No | | eren de Mille | | | - BESTERNASHSON | 5.0 | • |
| | | Turkin Kinasa | | 2.4.1 | property (Fig.) | Annual Commence of the Commenc | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | ÉB Amount |
| Item Description | No commas or \$ | | ALTONIA INGANISAN. Mariatra | | A Physics Section 1 | to the Data and the Control | |
| | | 100 | | | , | • | |
| Delayed Costs | esisti kilada a a | oebra Lakediar da | a continuinadi si s | let and. | Mary Area Byron (1) | | |
| Equipment | \$2,500 | 6-Jul-2007 | 20-Nov-2007 | 0.4 | \$3 | \$63 | \$66 |
| Buildings | E. 16 A. L. S. C | Figure 1994 Albanya di Santa | Salah Tangaran Salah | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | Milian and a second | 0.0 | \$0 | \$0 | ib.pd- `\$0 |
| Land | 1 | | | 0,0 | \$0 | n/a | \$0 |
| Record Keeping System | | | PERFORMANCE SPECIAL | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | and the second second | and Appendix 4 | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | man syan agg | | Lighter day seems | 0,0 | \$0:1 | n/a | \$0 |
| Permit Costs | Fig. 313 A.A.S. | | | 1 0.0 | \$0 | n/a | \$0 |
| | | | | 202020 | | | |
| Other (as needed) | Estimated co | st to upgrade the S | tage II equipment | 0.0 to ORVI | \$0 R compatible syste | n/a ems, repair or replac | \$0 |
| Notes for DELAYED costs | nozzles, and | post operating inst | ructions on the dis final date is | to ORVI pensers he date | R compatible syste . The date require of compliance. | ems, repair or replaced is the investigation | \$0 e the defective n date and the |
| Notes for DELAYED costs Avoided Costs | nozzles, and | post operating inst | ructions on the dis final date is | to ORVI pensers he date ntering | R compatible systems. The date require of compliance. | ems, repair or replaced is the investigation | \$0 e the defective n date and the |
| Notes for DELAYED costs Avoided Costs Disposal | nozzles, and | post operating inst | ructions on the dis final date is | to ORVI pensers he date ntering | R compatible system. The date require of compliance. | ems, repair or replaced is the investigation | \$0 e the defective n date and the costs) |
| Notes for DELAYED costs Avoided Costs Disposal Personnel | nozzles, and | post operating inst | ructions on the dis final date is | to ORVI pensers he date ntering | R compatible system. The date require of compliance. item (except for \$0 \$0 \$0 | oms, repair or replaced is the investigation | \$0 e the defective n date and the costs) \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling | nozzles, and | post operating inst | ructions on the dis final date is | to ORVI pensers he date ntering 0.0 0.0 | R compatible system. The date require of compliance. item (except for \$0 \$0 \$0 \$0 | ems, repair or replaced is the investigation one-time avoided of \$0 \$0 \$0 \$0 \$0 | \$0 e the defective n date and the costs) \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment | nozzles, and | post operating inst | ructions on the dis final date is | to ORVI pensers he date ntering 0.0 0.0 0.0 0.0 | R compatible system. The date require of compliance. Item (except for \$0 \$0 \$0 \$0 \$0 | ems, repair or replaced is the investigation | \$0 e the defective n date and the sosts) \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] | nozzles, and | post operating inst | ructions on the dis final date is | to ORVI pensers he date ntering 0.0 0.0 0.0 0.0 0.0 | R compatible systes. The date require of compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | ems, repair or replaced is the investigation one-time avoided one-time avo | \$0 e the defective n date and the sosts) \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] | nozzles, and | post operating inst | ructions on the dis final date is | to ORVI pensers he date ntering 0.0 0.0 0.0 0.0 0.0 | R compatible system. The date require of compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 e the defective n date and the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] | nozzles, and | post operating inst | ructions on the dis final date is | to ORVI pensers he date ntering 0.0 0.0 0.0 0.0 0.0 | R compatible system. The date require of compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | ems, repair or replaced is the investigation one-time avoided one-time avo | \$0 e the defective n date and the costs) \$0 \$0 \$0 \$0 \$0 |
| Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] | nozzles, and | post operating inst | ructions on the dis- final date is a ed costs before d | to ORVI pensers he date ntering] 0.0 0.0 0.0 0.0 0.0 0.0 | R compatible system. The date require of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 e the defective n date and the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| Screening Date | 6-Aug-2007 | Docket No | D. 2007-1261-PST-E | PCW |
|--|--|--|--|------------------------------------|
| Respondent | t ARH Enterprises, Inc. db | a R H Food Mart | | Policy Revision 2 (September 2002) |
| Case ID No. | | | | PCW Revision June 26, 2007 |
| Reg. Ent. Reference No. | | | | |
| - | Petroleum Storage Tank | | | |
| Enf. Coordinator Violation Number | | | | |
| Rule Cite(s) | \ | | | |
| Kale Glis(s) | 30 Tex. Admin. Code | § 115.245(2) and Tex. Hea | alth & Safety Code § 382.08 | 35(b) |
| Violation Description | Failed to verify proper months. Specifically, t | operation of the Stage II ed he Stage II annual system conducted. | quipment at least once eve compliance testing had no | ry 12 t been |
| | | | Base | Penalty \$10,000 |
| A company of the contract of t | er de americanis en el controllo con militari el controlmina men | erwood wordspropried outstand on the second sec | - while The section of the section o | |
| >> Environmental, Property | | itrix | all and the second of the second | |
| Release | Harm e Major Moderate | Minor | | |
| OR Actua | | | | |
| Potentia | al x | | Percent 25% | |
| | it Kanas Kolikos vartus Eustalani 1949 Markis. | | | |
| >>Programmatic Matrix Falsification | n Major Moderate | Minor | | |
| T distilication | i Major Moderate | | Percent 0% | |
| | | | <u> </u> | |
| | th or the environment will or protective of human health | | | |
| Free professional and the second state of the | | | Adjustment | \$7,500 |
| Single-Hilling (1986) #86 #86 #86 Balania () . Fire #10 \$50 & \$6 | Fathian Carlos C | Alfinanis dale mes selimisticos desirab. | is Country to the district New Years | |
| | | | | \$2,500 |
| Violation Events | | | | |
| Number of V | iolation Events 1 | 365 | Number of violation day | 'S |
| merk only one | daily monthly quarterly | | Violation Bas | e Penalty \$2,500 |
| with an x | semiannual x single event | | | |
| One annua | al event is recommended for | the 12 month period prece | eding the July 6, 2007 inves | stigation. |
| Economic Benefit (EB) for t | his violation | | Statutory Limit Te | |
| Estimate | ed EB Amount | \$1,115 | Violation Final Pen | alty Total \$2,964 |
| | | This violation Final Ac- | accod Danalty (adjusted t | for limits) \$2,964 |
| Buggip Law Control to the grading particular for the hard the | | THIS VIOLATION FINAL ASS | essed Penalty (adjusted t | υι πιπιο) <u>.</u> Ψ2,904 |

| | na proposaci E (| sonomic. | Benefit W | orksl | neethe 📖 | eo sant primsi | nedet |
|--|---|--|-------------------------------------|-----------------------------------|--|--|------------------------|
| Respondent | A R H Enterprise | es, Inc. dba R H f | Food Mart | dh . | | | |
| Case ID No. | 34400 | • | | | | en et de | |
| Reg. Ent. Reference No. | | | | | | A CONTRACTOR | |
| | Petroleum Stora | go Tonk | | | | F | Years of |
| To the first of the contract o | | ge rank | | | | Percent Interest | Depreciation |
| Violation No. | 4 | | | | . Principality of | | |
| | | | | | onjust st | 5.0 | 1; |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | [♠] EB Amount |
| Item Description | No common or \$ | Section 1 | | | | Freez Calcade | |
| ttem beschpush | INO CONTINUES OF W | ente de la restata de para la comparta de la comparta del la comparta de la comparta del la comparta de la comparta del la comparta de la comparta del l | Websia Seria Garang Ro | 1940a/ 25 | Ludad Ludda + AAC | , al | |
| Dalamed Canta | | | | | | | |
| Delayed Costs | ibu shu iliyana asa | | | 0.0 | \$0 | \$0 | \$0 |
| Equipment | | | <u> </u> | 0.0 | \$0 \$0 | \$0 | \$0 |
| Buildings | | | off acadalities | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) Engineering/construction | | A CONTRACTOR OF THE PARTY OF TH | issett állannasá ist | 0.0 | \$0 | \$0 | \$0 |
| Land | Carrier and the second | <u>ئا خىلىرىنى ئۆت دىدىنىڭ ئىن</u> | 11639165 s1 60 house, | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | فهمت دهانا | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | - in the second | | 1 | 0.0 | \$0 | n/a | \$0 |
| Notes for DELAYED costs Avoided Costs | ANNI | UALIZE [1] avolo | | | 1 | one-time avoided o | |
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | No. 11-21- | | | 0.0 | \$0 | \$0 | \$0 |
| 15 | and the parties | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling Supplies/equipment | | | and the symbol of the second second | J 0.0 L | | | |
| | | 1,100,100 | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | \$1,000 | 6-Ju]-2006 | 20-Nov-2007 | 0.0 | \$0 \$115 | \$1,000 | \$0 \$1,1 15 |
| Supplies/equipment Financial Assurance [2] | \$1,000 | 6 Jul-2006 | 20-Nov-2007 | 0.0 | \$0 | | \$0 |
| Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) | 111/2/23 | st for annual testir | ng to verify proper o | 0.0 2,3 0.0 | \$0 \$115 \$0 of the Stage II ed | \$1,000 \$0 guipment. The date | \$0 \$1,115 \$0 |
| Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] | Estimated cos | st for annual testir one year prior to | ng to verify proper o | 0.0 2,3 0.0 operation of | \$0 \$115 \$0 of the Stage II educe final date is the | \$1,000 \$0 quipment. The date se compliance date. | \$0 \$1,115 \$0 |

the profit places of the

Compliance History

| Custom | er/Respondent/Owner-Operator: | CN602949042 | ARHE | nterprises, Inc. | | Classification | n: HIGH. | Rating: 0.00 |
|---|--|------------------------------|------------|--------------------|-----------------|----------------|----------------|------------------|
| Regulat | ed Entity: | RN102455748 | RHFO | OD MART | | Classification | n: HIGH | Site Rating: 0.0 |
| ID Num | ber(s): | PETROLEUM ST REGISTRATION | ORAGE T | ANK | REGISTRAT | TION | | 66942 |
| _ocatior | 1: | 3701 ESTERS RD | , IRVING, | TX, 75038 | | Rating Date | : 9/1/2006 Rep | eat Violator: NO |
| TCEQ F | Region: | REGION 04 - DFV | V METRO | PLEX | | | | |
| Date Co | ompliance History Prepared: | August 06, 2007 | | | | | | |
| Agency Decision Requiring Compliance History: | | Enforcement | | | | | | |
| Complia | ance Period: | August 06, 2002 to | o August 0 | 06, 2007 | | | | · |
| TCEQ S | Staff Member to Contact for Additional Info | ormation Regarding th | nis Compli | ance History | | | | |
| Name: | Judy Kluge | . Pho | one: | 817-588-5825 | | | | |
| | | Site Co | ompliand | ce History Comp | onents | | | |
| 1. Has t | the site been in existence and/or operation | | - | - | Yes | | | |
| 2. Has 1 | there been a (known) change in ownership | p of the site during the | e compliar | nce period? | Yes | | | |
| 3. If Yes | s, who is the current owner? | • | | | A R H Enterp | orises, Inc. | • | |
| 4. if Ye | s, who was/were the prior owner(s)? | | | | New America | an Investment | Group, Inc. | _ |
| 5. Whe | en did the change(s) in ownership occur? | | | | 10/10/2005 | | | |
| Comp | onents (Multimedia) for the Site : | | | | | | | |
| A . | Final Enforcement Orders, court judge | ements, and consent | decrees of | the state of Texas | and the federal | government. | | |
| | N/A | | | | | | | |
| Б | A | f T | | | | | | |
| В. | Any criminal convictions of the state of N/A | r rexas and the reder | ai governi | nent. | | | | |
| C. | Chronic excessive emissions events. | | | | | | | |
| 0. | N/A | | | | | | * | 9 |
| | | CCEDS Inv. Trook N | lo) | | | | | |
| D. | The approval dates of investigations (1 03/16/2004 (263002) 2 08/03/2007 (567584) | (CCEDS IIIV. HACK. I | NO.) | | | | • | |
| E. | Written notices of violations (NOV). (C | CCEDS Inv. Track. No | o.) | | | | | |
| F. | Environmental audits. | | | | | | ٠ | |
| C | N/A | evetome (EMSs) | | • | | | | |
| G. | Type of environmental management s | systems (EMSs). | , | | | | | |
| , | N/A | nont datas | | | | | | |
| Н. | Voluntary on-site compliance assessn N/A | neni dates. | | · | | | | |
| | Participation in a voluntary pollution re | aduation program | | 4 | | | | |
| I. | • | eduction program. | | | | | | |
| | N/A | | | | | | | |
| J. | Early compliance. | | | | | | | |
| 0'' | N/A | | | | | | | |
| Sites C | Outside of Texas | | | | | | | |
| | N/A | | | | | | | |

 $(1-\alpha)\mu_{\rm sph} = (1-\alpha)\mu_{\rm sph} (1-\beta)\frac{\pi}{2} \Phi_{\rm sph} \left(\frac{1}{2} \frac{\pi}{2} + \alpha \frac{\pi}{2} \frac{\pi}{2} \frac{\pi}{2} \right)$

 $\label{eq:continuous} \mathcal{L} = \{ \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \in \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \in \mathbf{x} \in \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \mid \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \} \\ = \{ \mathbf{x} \in \mathbf{x} \in$

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



| IN THE MATTER OF AN | § | BEFORE THE |
|---------------------------------|---|-----------------------|
| ENFORCEMENT ACTION | § | |
| CONCERNING | § | TEXAS COMMISSION ON |
| A R H ENTERPRISES, INC. DBA R H | § | |
| FOOD MART | § | ENVIRONMENTAL QUALITY |
| RN102455748 | | |

AGREED ORDER DOCKET NO. 2007-1261-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding A R H Enterprises, Inc. dba R H Food Mart ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 3701 Esters Road in Irving, Dallas County, Texas (the "Station").
- 2. The Respondent's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 8, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eight Thousand Three Hundred Dollars (\$8,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Dollars (\$200) of the administrative penalty and One Thousand Six Hundred Sixty Dollars (\$1,660) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Six Thousand Four Hundred Forty Dollars (\$6,440) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Eighty-Four Dollars (\$184) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
 - a. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that as of July 11, 2007, the Station successfully conducted the required piping tightness and line leak detector tests;
 - b. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that Station representative training has been completed and all current employees have received in-house Stage II vapor recovery training as of July 18, 2007;
 - c. As of November 20, 2007, the TCEQ Dallas/Fort Worth Regional Office received verification that the Respondent installed an approved onboard refueling vapor recovery ("ORVR") compatible Stage II vapor recovery system, replaced the defective nozzles, and posted the Stage II operating instructions on the dispensers; and
 - d. As of November 20, 2007, the TCEQ Dallas/Fort Worth Regional Office received verification that the Respondent successfully conducted the required annual testing of the Stage II equipment.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the

en de la companya de la co Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Station, the Respondent is alleged to have:

- 1. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances, in violation of 30 Tex. ADMIN. CODE § 334.50(a)(1)(A) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on July 6, 2007. Specifically, monthly inventory control was not being conducted and the automatic tank gauge did not have probes installed.
- 2. Failed to conduct proper release detection for the product piping associated with the UST system, in violation of 30 Tex. ADMIN. CODE § 334.50(b)(2) and Tex. WATER CODE § 26.3475(a), as documented during an investigation conducted on July 6, 2007. Specifically, the annual piping tightness tests had not been conducted.
- 3. Failed to test the line leak detectors at least once per year for performance and operational reliability, in violation of 30 Tex. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and Tex. WATER CODE § 26.3475(a), as documented during an investigation conducted on July 6, 2007. Specifically, the line leak detectors had not been performance tested annually.
- 4. Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee receives in-house Stage II vapor recovery training regarding the purpose and operation of the vapor recovery system, in violation of 30 Tex. ADMIN. CODE § 115.248(1) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on July 6, 2007. Specifically, Stage II training for the Station representative and the employees had not been completed.
- 5. Failed to upgrade the Stage II equipment to ORVR compatible systems, in violation of 30 TEX. ADMIN. CODE § 115.242(1)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 6, 2007.
- 6. Failed to maintain the Stage II Vapor Recovery System in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resource Board Executive Order(s), and free of defects that would impair the effectiveness of the system including, but not limited to absence or disconnection of any component that is a part of the approved system, in violation of 30 Tex. ADMIN. Code § 115.242(3) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on July 6, 2007. Specifically, the Stage II air to liquid test indicated that the nozzles were defective and not functioning properly.

- 7. Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump, in violation of 30 Tex. ADMIN. CODE § 115.242(9) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on July 6, 2007.
- 8. Failed to verify proper operation of the Stage II equipment at least once every 12 months, in violation of 30 Tex. ADMIN. CODE § 115.245(2) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on July 6, 2007. Specifically, the Stage II annual system compliance testing had not been conducted.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: A R H Enterprises, Inc. dba R H Food Mart, Docket No. 2007-1261-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, install and implement a release detection method for the UST system, in accordance with 30 Tex. ADMIN. CODE § 334.50.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are

A R H Enterprises, Inc. dba R H Food Mart DOCKET NO. 2007-1261-PST-E Page 5

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

Section 18 Section 18

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A R H Enterprises, Inc. dba R H Food Mart DOCKET NO. 2007-1261-PST-E Page 6

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

| For the Commission | |
|----------------------------|----------------|
| For the Executive Director | Date 1/21/2008 |

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution...

Date

Besident

Name (Printed or typed) Authorized Representative of

A R H Enterprises, Inc. dba R H Food Mart

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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